Traversal

As set forth in MPEP 2142, an examiner who rejects a claim under 35 U.S.C. 103 must establish a *prima facie* case of obviousness. Part of the requirements for the *prima facie* case of obviousness is that

> the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP rev. 3, August 2005, §2142, page 2100-136, col. 1)

Applicants will show in the following that the references do not teach or suggest all of the claim limitations and that Examiner has consequently not made his *prima facie* case of obviousness.

What Applicants are claiming

Applicants' claim 1 sets forth in straightforward fashion what Applicants are claiming:

> **1.** A method of migrating from configuration *m* of a system to a configuration *m*+1 thereof, the system's configuration being defined by first configuration tables in a database and
> the method comprising the steps performed by the system of:
> making second configuration tables that define configuration *m*+1;
> making a determination whether the first configuration tables still define configuration *m;* and
> if the first configuration tables still define configuration *m*, using the second configuration tables to modify the first configuration tables such that the first configuration tables define configuration *m*+1.

In Applicants' claim 1, the configuration of the system is defined by *configuration tables in a database.* A change from a configuration *m* of the system which is defined by first configuration tables to a configuration *m*+1 which is defined by second configuration tables is made by making the second configuration tables and using the second configuration tables to modify the first configuration tables such that the first configuration tables define configuration *m*+1. As Examiner points out, changing the system configuration by making a copy of the system, changing the configuration of the copy by changing the copy's configuration tables, and then changing the original

configuration tables so that they agree with the copy's configuration tables is disclosed in AAPA.

The issue between Examiner and Applicants is whether Gere discloses the limitations set forth at lines 6-10 of the claim. The first step in the inquiry is understanding exactly what these limitations are. At the top of page 3 of the Office action, Examiner states that what AAPA fails to disclose is "the method of determining whether the first system have changed while transitioning is taking place". Applicants respectably submit that this is a misdescription of the limitations of lines 6-10. The transition from configuration *m* to configuration *m*+1 occurs at lines 8-10, when the second configuration tables are used to modify the first configuration tables. What the limitations of lines 6-10 set forth is that the modification of the first configuration tables is *conditional upon* there having been *no change* in the configuration defined by the first configuration tables between when the second configuration tables were made and when the second configuration tables are used to modify the first configuration tables.

Applicants believe that when Examiner properly understands the limitations of lines 6-10 of claim 1, he will immediately see that neither Gere, cited in the rejection of claim 1, nor Dennis, cited in the rejections of certain of the dependent claims, discloses the limitations of lines 6-10. Both Gere and Dennis have to do with detecting and dealing with changes in the data used to boot up the operating system. The flowchart of FIG. 4 and the description of the figure which begins at col. 7, line 52 of Gere discloses most clearly the portions of the reference that are relevant to the current discussion:

> Referring now to FIG. **4**, a flowchart of a live upgrade process **400** in accordance with one embodiment of the present invention is shown. FIG. **4** shows the steps involved in generating the copies used to examine intervening changes which may occur between a previous operating system environment and a subsequent operating system environment during a live upgrade.
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> FIG. **4** begins in step **401**, where a copy of an old operating system environment (e.g., old environment **302** shown in FIG. **3**) is generated. In step **402**, a software update (e.g., update **304**) is applied to an image of the old operating system environment to generate a new operating system environment (e.g., new environment **303**). In step **403**, the server computer system is booted to the new operating system environment. In step **404**, a copy of the old operating system environment is generated at the moment of booting

> to the new operating system environment, as described above. In step **405**, a copy of the new operating system environment is generated at the moment of booting to the new operating system environment, as described above. Subsequently, in step **406**, the copies can be examined to detect any intervening changes and make intelligent decisions regarding the disposition of such intervening changes.

As is clear from the foregoing, the upgrade in Gere is not conditional on anything. It occurs and the copies of the operating system environment that were made before and during the boot to the new environment are compared *after* the upgrade to determine whether changes have occurred. Gere thus does not disclose the conditional behavior set forth in the limitation of lines 6-10.

Dennis discloses a technique for determining whether a boot record is virus free before using it to boot up a processor. The determination is made by comparing the boot record with one that is known to be virus free. The technique is described beginning at col. 2, line 58:

> The snapshot of the clean boot record is stored in non-volatile memory. During the boot process, the contents of the current boot record are compared with the contents of the snapshot to determine whether a mismatch exits in at least one embodiment, this processing occurs after POST. If a mismatch does not exist, the contents of the current boot record are executed as part of the IPL process. ...
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> At least one embodiment of the method further comprises reporting a message to the user if a mismatch exists between the current boot record and the snapshot. A mismatch occurs when relevant information has been altered in the current boot record. In at least one other embodiment, the contents of the snapshot are executed if the mismatch exists.
>
> Alternatively, the user provides an input that is received as a proceed indicator. If the user-provided value in the proceed indicator is a first value, then the contents of the snapshot are executed during the IPL, thereby effecting a recovery of the boot record with the clean snapshot. On the other hand, if the user-provided value in the proceed indicator is a second value, then the contents of the current boot sector are executed during the IPL. This situation will occur when the user is aware of, and comfortable with, the change to the current boot record.

Here, the boot record which is being used to boot up the system is compared with the snapshot of the boot record; if they are different, there may be a virus infection and the

user may choose what to do. In Applicants' claim, what is compared is the "first configuration tables", which are the ones currently in use in the system, with the older snapshot of the first configuration tables; if there is no change, "the second configuration tables [are uses] to modify the first configuration tables such that the first configuration tables define configuration m+1", i.e., the change to configuration m+1 occurs when there has been *no change* in configuration m. Thus, Dennis, too, fails to show the limitation of lines 6-10 of claim 1 and Examiner has consequently not made his *prima facie* case for the rejection of claim 1. Examiner will immediately see that the arguments made with regard to claim 1 hold equally for independent claims 19 and 26. Further, because claims 1 and 19 are patentable over the references, so are all of dependent claims 2-18 and 20-25.

Patentability of claims 8-10, 12-16, 20, 23, and 24

These claims are further patentable in their own rights over the references. As regards claims 8-9, 13-16, and 23-24, there is no disclosure in either the AAPA or the references of the arrangements for ensuring that users have been logged off before the snapshot is made or that the users who must approve configuration m+1 must do so. The added limitations of these claims are thus not disclosed in the references and are therefore patentable in their own rights over the references. Claims 10, 12, and 20 all describe the interaction between the user and the system of claim 1 "when the first configuration tables no longer define configuration m", namely that the user is notified and if the user so indicates, the system "overwrite[s] the first configuration tables with the second configuration tables". In Dennis, there is no overwriting; the user simply chooses which of the copies of the boot record he or she wishes to boot from. Again, the references do not disclose the added limitations and the claims are thus patentable over the references.

Conclusion

Applicants have traversed all of Examiner's rejections and have therefore been completely responsive to Examiner's Office action as required by 37 C.F.R. 1.111(b). Applicants therefore respectably request that Examiner reconsider his rejections and

allow the claims. No fees are believed to be required for this response. Should any be, please charge them to deposit account number 501315.

Respectfully submitted,

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